

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

06 Cr. 718 (CM)

-against-

NOTICE OF MOTION

HURGENES PIGNARD,

Defendant.

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PLEASE TAKE NOTICE that upon the annexed affirmation of THEODORE S. GREEN dated November 14, 2006, the annexed declaration of HURGENES PIGNARD dated November 14, 2006, the annexed exhibits and accompanying memorandum of law, and the prior proceedings herein, the undersigned will move this Court before Hon. Colleen McMahon, on January 12, 2007, at 9:00 a.m., or as soon thereafter as counsel may be heard, at the Courthouse, 300 Quarropas Street, White Plains, New York, 10601, for orders:

1. Suppressing physical evidence seized from the defendant's apartment upon the ground that the search warrant upon which police relied to enter the apartment and seize items therefrom is not supported by allegations establishing probable cause for the search, that Information alleged in the warrant application failed to establish probable cause and was based in part on unlawfully-obtained information and misleading allegations; alternatively, directing a suppression hearing, including a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978);

2. Suppressing physical evidence seized from the defendant's apartment upon the ground that items of physical evidence seized from the defendant's apartment were outside the scope of what

could be permissibly seized pursuant to the warrant; alternatively, directing a suppression hearing.

3. Directing that the government, pursuant to Fed. R. Crim. P. 7(f), furnish certain particulars to the defendant; and,

4. Granting such other and further relief as may be appropriate.

Dated: White Plains, New York  
November 16, 2006

Yours, etc.,

s/ Theodore S. Green

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TG 1881  
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